

# **A Summary of Responses to Recommendations of the 2008-2009 San Luis Obispo Grand Jury**

## **California Penal Code §933**

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.



# **A SUMMARY OF RESPONSES TO RECOMMENDATIONS OF THE 2008-2009 SAN LUIS OBISPO GRAND JURY**

## **INTRODUCTION**

The San Luis Obispo County Grand Jury operates under the direction of the San Luis Obispo Superior Court. State Law requires that the Grand Jury “submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters.” State law also requires that agencies and elected officials, identified in the report, respond to the recommendations within a specified timeframe or face a potential contempt of court citation. For each recommendation, the responding agency or official must report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

The 2008-2009 San Luis Obispo Grand Jury produced 19 reports, 17 of which included a total of 67 recommendations requiring responses. Responses broke down as follows:

- 35 recommendations were or would be implemented
- 9 recommendations were partially implemented or involved further analysis short of rejection, as explained in the response summaries included here
- 21 recommendations were rejected
- 2 recommendations resulted in no response and have been referred to the Superior Court

The reports ran a gamut that included cemetery districts, the county planning process, county public works projects; law enforcement conduct; bicycle pathway planning and more.

## **METHOD**

The 2009-2010 Grand Jury reviewed the responses to the 17 reports of the 2008-2009 Grand Jury that contained recommendations in an effort to summarize and distill the responses. Those summaries appear in this report in the order that the reports are published at the Grand Jury's web site. The full text of each response is available at the web site:

[http://slocourts.net/grand\\_jury/reports](http://slocourts.net/grand_jury/reports)

## **HIGHLIGHTS**

- There are 11 cemetery districts in San Luis Obispo County, including two which were the focus of Grand Jury recommendations. The Grand Jury recommended that the Adelaida District obtain liability insurance. The trustees responded that liability insurance was of no concern. It was recommended that the trustees "make public" the minutes of meetings. They responded that the minutes are emailed to "area" residents. Management of the Estrella-Pleasant Valley Cemetery chose not respond to the Superior Court. The Grand Jury had recommended that the Estrella-Pleasant Valley District follow a number of laws governing frequency of board meetings and the maintenance of records such as a burial registry.

- Atascadero Unified, Lucia Mar Unified, Paso Robles Public and Cayucos Elementary school districts did not respond to a recommendation that they post copies of the Grand Jury's pool safety report (One Is Too Many) for public view.
- On a positive note, a Grand Jury report that cited the county sheriff's department for less than totally secure handling of evidence and inadequate facilities at sub-station property rooms resulted in prompt improvement and compliance.
- A report analyzing the development of the Oceano Community Center included four recommendations to which county supervisors and the Lucia Mar Unified School District responded positively.
- The Grand Jury's recommendations for improving the county's bicycle pathways met mixed response. Most of the agencies agreed with the recommendations expressing appreciation of Grand Jury efforts. However, the San Luis Obispo Council of Governments (SLOCOG) disagreed with a fundamental tenet of the report that more emphasis should be placed on closing the gaps in existing bike trails. The City of San Luis Obispo agreed to all recommendations except the one that called for the Bob Jones Trail to pass under Highway 101 when that segment is completed, rather than using the proposed street level solution, which could result in safety issues for cyclists.
- The "Fly or not to Fly" report concerning emergency helicopter service received positive responses to two recommendations. However, the sheriff's department said it is not responsible for implementing county policy for quick dispatch of helicopters in emergency situations even though the sheriff manages the county dispatch center.

## **CONCLUSION**

It is a necessary role of each Grand Jury to look at the work of previous Grand Juries and the responses that agencies provide. If recommendations are rejected or ignored a subsequent Grand Juries may decide there is a need for follow-up investigation.

## SUMMARY OF RESPONSES

The following response summaries appear in this report in the order that the reports are published at the Grand Jury's web site. The full text of each report and each response is available at the web site: [http://slocourts.net/grand\\_jury/reports](http://slocourts.net/grand_jury/reports)

### A PSYCHOTIC EPISODE: DRUG INDUCED? LESSONS FROM ONE CASE

The Grand Jury investigated the San Luis Obispo County Psychiatric Health Facility's handling of the case of a man who was placed on an involuntary 72-hour hold during the early morning hours, locked in an isolation room and then released by mid-morning. The Grand Jury made three recommendations. The County Health Agency responded that one recommendation was implemented, one was covered by a different approach and a third would not be implemented.

#### **Recommendation 1:**

"The County Health Facility should review how its policy of taking possible drug overdose patients to the emergency room is implemented. The results of that review should be reported to the Board of Supervisors within three months to assure patient protection."

**Response:** The health agency refused implementation, saying it has a policy in place and in the case that was investigated, "there was no evidence of a drug overdose."

#### **Recommendation 2:**

The Psychiatric Health Facility should retain for at least two years the video records of 5150 patients' isolation room behavior as a way both of assuring appropriate treatment of patients and of protecting the county in the case of legal action."

**Response:** The agency said this recommendation would not be implemented. The agency explained that it recently implemented a plan under which the nursing supervisor and the patient's rights advocate review all seclusions to identify improvements or

training issues. The agency added: “For any seclusion where procedures were not followed a copy of that event will be kept for two years.”

**Recommendation 3:**

“Mental Health officials must assure that speedy toxicology screens are available when needed, with a stated policy that requires such action.”

**Response:** Department officials said they had ended a laboratory contract and had engaged a new laboratory with a “faster turn-around time with results.”

**AGENCIES USUALLY IMPLEMENT RECOMMENDATIONS  
WHEN THEY AGREE WITH US – BUT SOME ARE SLOW**

The 2008-2009 Grand Jury reviewed ten recommendations over four years where agencies agreed with recommendations but had yet to implement them at the time responses were submitted. The Grand Jury years were 2003-2004, 2004-2005, 2005-2006 and 2006-2007. In eight instances, the agencies had followed through or did so after being reminded of their commitment. In two instances, the 2008-2009 Grand Jury issued formal recommendations that the county follow through on commitments not yet implemented.

**Recommendation 1:**

“The county should complete its development of a new contracting procedures manual covering all departments, as agreed to in 2007, by mid-August, following the plan recently drafted by county officials.”

**Response:** The county agreed to implement this recommendation and anticipates an updated Contracting for Professional Service Manual was to be submitted to the board of supervisors for approval.

**Recommendation 2:**

“The county should respond to the current Grand Jury with a plan for improving outreach to airport tenants or demonstrate that such improvements are already in effect.”

**Responses:** The county has implemented the recommendation. The General Services Agency Deputy Director for Airport Services said it planned to use the airport website extensively for community and tenant outreach. Airport management implemented a plan to attend tenant organization board meetings, conduct monthly meetings with airline operators and also conduct quarterly meetings with rental car and taxi providers.

## **CEMETERY DISTRICTS: DIGGING FOR ANSWERS**

The Grand Jury reviewed the governance and operation of the eleven public cemetery districts in San Luis Obispo County. Public cemetery districts are independent districts responsible to neither another agency nor an electorate. Public cemetery districts are, by state law, governed by a Board of Trustees appointed by the county Board of Supervisors. Each of the eleven public cemetery districts in the county operates a single cemetery. Property taxes and fees support most of these districts.

Responses were required from the board of supervisors for two recommendations. Boards of trustees of four cemetery districts -- Adelaida, Templeton, Santa Margarita and Estrella-Pleasant Valley – were each required to respond to one recommendation. Trustees of Estrella-Pleasant Valley Cemetery failed to submit their responses to the Presiding Judge at the San Luis Obispo County Superior Court as required by law.

### **Recommendation 1:**

“The County Board of Supervisors should (a) appoint new cemetery district board members knowledgeable of the relevant law and responsibilities noted in Finding 2 (Two of the districts have fewer than the required minimum of three board members. Those districts are the Estella-Pleasant Valley and Templeton districts) and (b) set up a system whereby vacancies and term expiration would be brought to its (the board of supervisors) attention promptly.”

**Response:** The County responded that implementation of this recommendation has been in place for several years as the Board appoints new board members when requested.



The County response added that each supervisor has a process by which they are notified of vacancies of those organizations that are within their specific districts.

**Recommendation 2:**

“In the event the County Board of Supervisors finds it is not practical or feasible to appoint new cemetery district board members for the Estrella-Pleasant Valley Cemetery District due to the apparent inability of this cemetery district to operate independently without any source of revenue, the board of supervisors should appoint itself as the board of trustees of this cemetery district.”

**Response:** The Board of Supervisors responded that the recommendation would not be implemented. The County response said “this policy decision is not required at this time... A reappointment has been made and the last vacant position is in the process of being filled.”

**Recommendation 3:**

“The Board of Trustees of the Adelaida Cemetery District should (a) hold a minimum of four meetings per year with published agendas and publicly available minutes, and (b) acquire liability insurance.”

**Response:** The Adelaida Cemetery District agreed with most of the recommendation and responded by stating that the agendas and minutes are available to all those individuals in the Adelaida Cemetery District through an e-mail process. Meetings are conducted ten times per year in conjunction with the Adelaida Farm Center plus one annual meeting and (the board has) no plans to acquire liability insurance.

**Recommendation 4:**

“The Board of Trustees of the Estrella-Pleasant Valley Cemetery District should (a) hold a minimum of four meetings per year with published agendas and publicly available minutes, (b) promptly establish an endowment care fund adequate to provide income for perpetual maintenance, (c) provide for inspection of the burial register for the cemetery and (d) arrange for an annual audit and (e) acquire liability insurance.”

**Response:** The Board of Trustees of Estrella-Pleasant Valley Cemetery failed to submit a response.

**Recommendation 5:**

“The Board of Trustees of the Templeton Cemetery District should provide for inspection of the burial register for the cemetery.”

**Response:** The district responded that it does have in its possession a burial registry which will be provided for public review at a new cemetery office once construction has been completed.

**Recommendation 6:**

“The Board of Trustees of the Santa Margarita Cemetery District should provide for inspection of the burial register for the cemetery.”

**Response:** The Santa Margarita Cemetery Board of Directors responded that “the cemetery does have an accessible burial register, (which is) maintained and available upon request.”

## **COUNTY LAW ENFORCEMENT RESPONDS TO INCREASED GANG ACTIVITY**

The Grand Jury undertook an investigation into gang activity in San Luis Obispo County and how law enforcement was responding. The report cited data indicating gang activity was on the rise. Several programs were described that were currently underway or planned to detect and suppress gang activity. The report identified three recommendations that required responses from either the Anti Gang Coordinating Commission or the Board of Supervisors.

**Recommendation 1:**

“The County should continue to pursue additional grant money on the state and federal levels.”  
The Anti Gang Coordinating Commission has implemented this recommendation.

**Response:** The Board of Supervisors adopted this response.

**Recommendation 2:**

“The Anti Gang Coordinating Commission should pursue legislation that requires parents of juveniles on probation attend educational classes.”

**Responses:** The Anti Gang Coordinating Commission will implement this recommendation in the future. The Board of Supervisors was not required to respond to this recommendation.

**Recommendation 3:**

“County Board of Supervisors should consider enacting a graffiti removal ordinance.”

**Response:** This recommendation was to be considered when the Anti Gang Coordinating Commission presented a graffiti removal ordinance to the Board. The Anti Gang Coordinating Commission was not required to respond to this recommendation.

## **COUNTY TAKE-HOME VEHICLES**

The Grand Jury investigated and reported on county-owned vehicles that are driven home by on-call employees for emergency use. The Grand Jury recognized the importance of rapid response after normal working hours; however, many vehicles had insufficient justification associated with their assigned use. The Grand Jury investigation and report identified three recommendations. The San Luis Obispo County Sheriff’s Department, The San Luis Obispo District Attorney, The San Luis Obispo County Administrative Office and the San Luis Obispo County Board of Supervisors were required to respond. All agencies reported that the three recommendations were implemented or being implemented.

**Recommendation 1:** “To assure that the citizenry is best served by the take-home vehicles, the board of supervisors, district attorney and sheriff should assure that the ‘brief justification’ of county vehicles that are approved for overnight parking exemption, or so called take-home vehicles, are subject to a cost benefit analysis and use justification.”

**Responses:** The sheriff's department stated that it would implement this recommendation within the next review cycle. The district attorney's office stated that this recommendation had been implemented. The county administrative office also said it would be implemented.

### **Recommendation 2:**

"The board of supervisors should modify the current Rules for Use of Vehicles on County Business (July 2008) to insure that a system of 'check and balance' exists in the justification for take-home vehicle assignments."

**Response:** The county administrator stated this recommendation will not be implemented. The administrator will continue to review the effectiveness of the Rules during the annual vehicle exemption update, focusing on the implementation of the policy and a more rigorous cost benefit analysis. The board of supervisors adopted this response.

### **Recommendation 3:**

"This expanded analysis should be done annually and submitted for public review at a meeting of the board of supervisors, being sensitive to the undercover nature of some of those vehicle assignments."

**Response:** The county administrator is currently implementing this recommendation and also stated that the rules require the exemption list be submitted to the board of supervisors as an informational item.

## **DELAYED BUILDING AND SAFETY CODE ENFORCEMENT**

The San Luis Obispo County 2008-2009 Grand Jury received complaints (3) of delayed enforcement of the county's land and property use codes. In each of the three complaints, a lack of diligence and cooperation on the part of the department of planning and building and its code enforcement division was cited. Each complaint stated that code violations were being ignored and proper enforcement delayed beyond a reasonable time frame. The complaints alleged that

this delayed enforcement benefited a privately operated homeless shelter, a commercial low-income housing provider and a residence, which houses up to 20+ unrelated individuals.

The Grand Jury investigation and report included three findings and three recommendations for the Director of the San Luis Obispo County Department of Planning and Building and the board of supervisors.

**Recommendation 1:**

“The director of the county planning and building department should provide increased review and oversight of the code enforcement division to insure prompt and consistent attention to difficult code enforcement cases.”

**Response:** The planning and building department has implemented this recommendation. The board of supervisors has adopted this response.

**Recommendation 2:**

“As recommended by the County Counsel and noted in a memo to the Grand Jury from the Department of Planning and Building, “homeless shelters, residential recovery facilities, and group homes, a category of housing currently not specifically addressed by county land use regulations, be considered for inclusion into the County Land Use Ordinance. The Grand Jury strongly supports this effort”

**Response:** This recommendation has not yet been implemented, but will be in the future as part of the update of the Housing Element of the General Plan tentatively planned to be completed in 2010.

**Recommendation 3:**

“The three areas for service improvement identified by the management team of the department of planning and building in finding #3 ( A. Building inspection record keeping; B. Code Enforcement personnel training with an emphasis on implementation and neutrality; and C. Public outreach relative to county rules, regulations and policies) be implemented.”

**Response:** The planning and building department said these improvements were being made.

## EXAMINING PLANNING COMMISSIONER CONDUCT

The Grand Jury report “Examining Planning Commission Conduct” recommended nine changes in the way policies are carried out by the county planning department, the planning commission and county counsel. The department responded that it implemented four of the recommendations and would not implement three. The commission and the county counsel’s office declined to implement a total of three recommendations that were directed to those bodies. All of these department responses were adopted by the board of supervisors.

### **Recommendation 1:**

“The planning department, with the assistance of county counsel, should revise and update the Planning Commissioner’s Handbook to include explanations of the following:

- “The quasi-legislative and quasi-judicial roles of the planning commission and the reasons why planning commissioner’s conduct in one role is not necessarily acceptable in the other role.”

**Response:** The planning department implemented the recommendation.

- “The due process requirements and legal standards of conduct for quasi-judicial proceedings conducted by the planning commission, including but not limited to the right of an applicant to hear and respond to evidence being considered by the planning commissioners and the right to reasonably impartial, non-involved reviewers.”

**Response:** This was implemented.

- “The reasons why ex parte contacts by planning commissioners have the potential to violate due process requirements.”

**Response:** This was implemented.

- “Non-financial conflicts of interest such as loyalties to groups or organizations with positions on land use planning and regulation.”

**Response:** The planning department said this was not warranted because state law does not prohibit planning commissioners from having such ties.

**Recommendation 2:**

“The planning department should assure that copies of the updated and revised Planning Commissioner’s Handbook are provided to each planning commissioner.”

**Response:** The planning department said this was implemented.

**Recommendation 3:**

“The planning department, with the assistance of county counsel, should provide annual training sessions for planning commissioners that provide more detailed education and training on the topics of due process and lack of bias that are identified in the ethics training program required by the enactment of AB 1234.”

**Response:** The planning department said this recommendation was not warranted because state law already requires ethics training.

**Recommendation 4:**

“The planning commission, with the assistance of the planning department and county counsel, should revise its rules of procedure concerning ex parte contacts to define or limit the ex parte contacts which can be initiated by planning commissioners and improve the adequacy of planning commissions’ disclosure of the substance of their permitted ex parte contacts when functioning in their quasi-judicial role.”

**Response:** The department responded that this was not warranted because the rules of procedure already contain a section on ex parte contacts.

**Recommendation 5:**

“The county counsel should educate planning commissioners on the importance of not making ex parte contacts or pre hearing comments which might reasonably be perceived as suggesting that a planning commissioner has made a decision on a project before the planning commission has had an opportunity to hear and weigh all of the evidence on the project which will be presented at a public hearing.”

**Response:** County counsel said the recommendation was unwarranted because new commissioners already receive training about “common law bias” and the issues are now covered in the Planning Commissioner’s Handbook.

**Recommendation 6:**

“County counsel should provide assistance and advice to individual planning commissioners in resolving their questions or concerns as to whether or not they have non-financial conflict of interest or an actual bias with respect to an application for a discretionary decision.”

**Response:** County counsel said the recommendation is not warranted because the office cannot provide personal confidential legal advice to individual commissioners. Counsel does explain aspects of the law to provide context for the decisions of those individual commissioners.

## **GREAT PATHS BUT GALLING GAPS: BICYCLE RIDING IN SLO COUNTY**

The 2008-2009 Grand Jury investigated the effectiveness of how the county and cities provide bicycle paths, lanes and routes countywide. The Grand Jury concluded that local government should focus on completing the sometimes dangerous and often frustrating gaps in bicycle trails.

### **San Luis Obispo Council of Governments (SLOCOG)**

**SCG1:**

“SLOCOG and its associated governments should continue to aggressively seek grants and other funding to build and then maintain a network of bikeways in the county and cities.”

**Response:** SLOCOG responded that it will continue to seek such grants.

**SCG2:**

“SLOCOG should encourage and assist our cities in developing approved bikeway plans where they don't have them and keeping existing plans current where they do.”

**Response:** SLOCOG said it provides such assistance and will continue to do so when requested.



**SCG3:**

“To expedite the completion of at least one or two major bikeways, SLOCOG should lead the county and city governments in deciding which of the many proposed paths should be completed as soon as possible. This will require abandoning the current practice of building a segment of one bikeway here and another there, with none being completed within a reasonable time frame, say 5 or 10 years!”

**Response:** SLOCOG declined to implement this recommendation, responding that abandoning bikeway improvements in one area to support them in another area is “contrary to the goals of SLOCOG, which is to improve bikeways throughout the region.”

**SCG4:**

“Rideshare should make its bike maps more readily available to riders through distribution of printed maps at schools, libraries and biking events.”

**Response:** SLOCOG responded that maps could be made available to a wider audience, subject to funding. The response added, “Maps are expensive to print and require periodic updates and revisions. Free, unlimited distribution at schools and libraries is unrealistic given funding constraints.”

**County of San Luis Obispo****C1:**

“The county should review and revise its Bikeways Plan, with the goal of setting priorities that will lead the completion of one or more safe Class I and II bikeways that commuters can travel from their home neighborhoods to work (or school) and back. This would be a shift from the present practice of building one piece of a Class I bikeway here and another segment of another Class II there, so that neither is particularly useful to commuters.”

**Response:** The county responded that it is implementing this recommendation with the help of a bicycle advisory committee recommendation adopted in September 2008. Under this policy, the advisory committee is to rank projects that will close existing gaps.

## **Arroyo Grande**

### **AG1:**

“As each improvement is made to bike lanes in the city, readily available bike path maps and clear signage should be provided to explain how best to negotiate the new routes.”

**Response:** The city responded that it plans to update its bike path maps and signage on a regular basis.

## **Paso Robles**

### **PR1:**

“Paso Robles should update its 2002 Bike Plan and secure SLOCOG and Caltrans approval of same to be eligible for state bicycle transportation account funding.”

**Response:** The city agreed the plan should be updated and said it began that process in February 2009.

## **City of San Luis Obispo**

### **SLO1:**

“The city should continue to aggressively pursue grants and other funding to build bike paths and other bicycle friendly facilities.”

**Response:** The city agreed and said it will continue its successful efforts in this area.

### **SLO2:**

“Completion of the Railway Safety Trail should be the city's top bike priority, because once finished, it will provide safe and efficient commuting.”

**Response:** The city agreed with this recommendation and said it focuses most of its grant applications on this effort.

### **SLO3:**

“The city, working with Caltrans, should promptly connect that segment of the Bob Jones Trail that starts at Prado Road but ends just north of Los Osos Valley Road with LOVR.”

**Response:** The city concurred with this recommendation and said it is pursuing funding for this project.

**SLO 4:**

“When the LOVR overpass at Highway 101 is improved, the Bob Jones Trail should pass under that heavily traveled street.”

**Response:** The city responded that this specific recommendation does not coincide with current plans, which call for improvements in an “at-grade crossing at a signalized intersection for a significantly reduced cost.”

## **IN HOME SUPPORTIVE SERVICES**

The county Grand Jury initiated a review of San Luis Obispo County’s In-Home Supportive Services Program (IHSS), which provided care for almost 1800 disabled, elderly or blind and low-income citizens. The program has provided employment at \$10 an hour for caregivers who may be relatives or friends of clients. The program is supervised by county social workers. The Grand Jury concluded with two recommendations:

**Recommendation 1:**

“The county should conduct criminal background checks (and or finger printing) for all IHSS care providers who are not related to clients.”

**Response:** The county responded that this recommendation would not be implemented unless state law changed to require such background checks. Without such a mandate and related state funding, the county said it does not have either the resources or the authority to require such background checks.

**Recommendation 2:**

“If recommendation 1 (above) is not implemented, the county should facilitate a system by which clients and/or potential care providers could undergo those procedures at their own expense and then have the results entered into their IHSS records, where potential clients could consult those results.”

**Response:** The county responded that this recommendation has been implemented in part. The IHSS staff informs clients that criminal record checks are available. The county noted that clients are by definition low-income consumers and the cost and long processing time do not make this a viable option.

## **OCEANO COMMUNITY CENTER**

The San Luis Obispo County 2008-2009 Grand Jury conducted an inquiry into the origin, construction and planned utilization of the Oceano Community Center. The investigation of the community center commences with its inception up to its eventual sale to Lucia Mar Unified School District (LMUSD). The project was funded almost entirely by grants and contributions from the federal government, the State of California, the County of San Luis Obispo, several private organizations and a construction loan, making this one of the largest projects of its type undertaken in San Luis Obispo County.

The San Luis Obispo County 2008-2009 Grand Jury Report included four recommendations. Responses were required from the county department of planning and building, the San Luis Obispo County Board of Supervisors, Lucia Mar Unified School District and Oceano Community Services District (OCSD).

### **Recommendation 1:**

“The Grand Jury recommends that LMUSD take the opportunity presented by this report to affirm their intention to operate the Oceano Community Center for the continued benefit of the local community.”

**Response:** This recommendation has been implemented.

### **Recommendation 2:**

“The Grand Jury recommends that the OCSD take the initiative to establish communications with LMUSD and to become involved in plans for use of the facility.”

**Response:** This recommendation is being implemented. The OCSD's response to Recommendation (2) confirmed that established communication between the OCSD and Lucia Mar are taking place through a new lease agreement and the creation of a new ad hoc committee to act as liaison between the board and Oceano Community Center. The directors on the committee, with the general manager serving as staff, would then have a clear line of communication with the school district and the two agencies would be able to share information.

### **Recommendation 3:**

"The Grand Jury recommends that the county give strong consideration to having a security interest in future projects of this type and size."

**Response:** Planning and building department agrees that the county consider having a security interest in future projects of this type and size; however the recommendation has not yet been implemented, but will be in the future beginning with the next grant cycle.

### **Recommendation 4:**

"The Grand Jury recommends that the planning and building department should be required to keep the county apprised of total estimated costs and associated risks involved in an entire project, not just the county's portion, both prior to, and during, that project."

**Response:** The recommendation has not yet been implemented but will be in the future at the beginning of the next grant funding cycle. The department is basing this response on the assumption that this recommendation pertains to projects provided with federal grant funds administered by the planning and building department.

## **ONE IS TOO MANY: A REVIEW OF SCHOOL POOL SAFETY PLANS**

The 2008-2009 San Luis Obispo Grand Jury investigated the school districts within San Luis Obispo County to determine if they have school pool safety plans. The Grand Jury found that four school districts within the county offered swimming as part of their physical education

curriculum. Pool safety plans at those districts ranged from very extensive to almost non-existent.

**Recommendation 1:**

“Lucia Mar Unified School District should develop a school pool safety plan that incorporates their student rules and their emergency action plan with teacher qualifications and facility safety.”

**Response:** The district responded by forwarding a copy of its “revised” pool safety plan.

**Recommendation 2:**

“Paso Robles Public Schools should develop their own set of school pool safety plans including sections on instructor qualifications, facility safety, student rules and emergency procedures.”

**Response:** Paso Robles responded by forwarding a copy of the district’s pool safety plan adopted May 26, 2009.

**Recommendation 3:**

“Cayucos Elementary School District should develop a comprehensive set of school pool safety plans including sections on instructor qualifications, facility safety, student rules and emergency procedures.”

**Response:** The district responded that it leases a county facility and uses the checklist provided by the county.

**Recommendation 4:**

“Atascadero Unified School District, Lucia Mar Unified School District, Paso Robles Public Schools and Cayucos Elementary School District should all post a copy of this report where it will be available for public review.”

**Response:** All four districts failed to respond to this recommendation.

## **POLLUTERS -- TO FINE OR NOT TO FINE**

The Grand Jury investigated the San Luis Obispo County Environmental Health Services Certified Unified Program Agency (CUPA) as a result of a citizen complaint. The complaint alleged the fines levied by the agency have been insufficient to assure compliance with regulations. The report outlined the responsibilities of the agency and identified three recommendations. The San Luis Obispo County Health Agency and the board of supervisors were required to respond. They refused to implement all three as “not warranted.”

### **Recommendation 1:**

“To be fair and ensure compliance with health and safety codes, local CUPA officials should address all Class 1 pollution violations through formal enforcement procedures consistent with Cal/EPA and DTSC policies.”

**Response:** The recommendation was rejected. The agency stated that there is no basis in law for automatically taking formal enforcement action and that its current policy is adequate. The board of supervisors adopted this response.

### **Recommendation 2:**

“The county board of supervisors should monitor the local CUPA program on an annual basis to assure the board that fines and permit fees are assessed at a level sufficient to assure that county general funds will not be required to sustain the program.”

**Response:** This recommendation was rejected. The agency stated the purpose of the fines is to achieve compliance with the law and not to insure funding for the program. The board of supervisors adopted this response.

### **Recommendation 3:**

“If total funds being collected are insufficient to assure that the program is self-supporting, the board of supervisors should consider convening a task force to study the appropriate mix of fines and permit fees to assure compliance with hazardous material health and safety regulations.”

**Response:** This recommendation was rejected. The agency said that fees will continue to be the primary funding source for the CUPA Program. The board of supervisors adopted this response.

## **POTHoles AND PRIORITIES: COUNTY ROAD CONDITIONS**

The Grand Jury initiated a review of the maintenance and repair of county roads in unincorporated areas with specific interest in the Los Osos area. The report included four recommendations and responses from the San Luis Obispo County Department of Public Works and the San Luis Obispo County Board of Supervisors.

### **Recommendation 1:**

The County should focus road improvements in those areas of the county that have average PCI (Pavement Condition Index) values below the stated goal of 70. Specifically, Santa Margarita, Shandon, San Miguel, Cambria, Oceano, Nipomo and Los Osos need attention.”

**Response:** The County Department of Public Works said the recommendation was implemented for Santa Margarita where paving was under way. However, the county added that implementation recommendations will not be focused on improvements in specific towns or village areas because the department of public works uses a countywide cost-benefit strategy in making decisions.

### **Recommendation 2:**

“The county should increase the priority of road maintenance and improvement in the Los Osos area and maintain those roads on a comparable priority basis with all other county roads. Relatively short term maintenance processes such as crack seal, fog seal, slurry seal, chip seal and patching should be used in Los Osos until a more permanent program is established after the sewer project is completed.”

**Response:** County Department of Public Works said it would not implement this recommendation because it is not warranted or reasonable. The county repeated its



explanation that it prioritizes the pavement management system on the basis of countywide cost-benefit strategy.

### **Recommendation 3:**

“The board of supervisors should designate the county roads budget as one of its highest budget priorities. Locally, as well as nationally, the condition of our infrastructure is essential for public safety, quality of life and a stable fiscal future.”

**Response:** The board of supervisors has partially implemented this recommendation. The board said its level of funding roads indicates a commitment to their condition.

### **Recommendation 4:**

“All county residents should be advised of planned road improvements in their area on an annual basis. County residents should be provided with an easy telephone complaint register with an easy alpha sequence number such as "POT HOLE" (768-4653) or "BAD ROAD" (223-7623), as well as an email complaint form for similar purposes to add to the existing DPW website.”

**Response:** The County Department of Public Works stated that the recommendation will be partially implemented by adding a “Comments & Complaints” option to the department’s home web page.

## **PROPERTY ROOMS: A LOOK INSIDE**

The San Luis Obispo County 2008-2009 Grand Jury studied the evidence handling procedures of all law enforcement agencies in the county. Those procedures appeared secure with careful attention to logging in evidence, sealing it in envelopes and preventing tampering. City police departments maintained particularly secure property rooms. The sheriff’s department policy and procedure directives for evidence handling are outdated. In addition, the sheriff’s property room procedures at the North County Patrol Station in Templeton and the Coast Patrol Station in Los Osos were initially found to be lax concerning the use of their security lockers.

**Recommendation 1:**

“The sheriff should update property room policies and procedures to meet industry standards, especially those pertaining to the temporary storage of evidence to make it more secure.”

**Response:** The recommendation to update property room policies and procedures has been implemented. Roll call training has been conducted to insure deputies are adhering to the established evidence handling procedures. An additional day has been added to property pick up from patrol stations, to insure temporary storage of property at patrol stations is not an issue.

**Recommendation 2:**

“The sheriff’s department should conduct regular, independent monitoring of patrol station property rooms.”

**Response:** The recommendation to conduct regular, independent monitoring of substation property rooms has been implemented. Executive staff has directed patrol station commanders and sergeants to conduct and log daily inspections of patrol station property rooms to insure compliance with all department policies and directives in handling of property. Unannounced inspections by executive staff are conducted on a random basis.

## **STAFF REPORT ON THE SALE OF OCEANO DUNES**

This investigation originated from a citizen complaint that a report to the San Luis Obispo County Planning Commission prepared by planning and building department staff omitted significant information and misrepresented county land use policy. The complaint alleged the result of these omissions had the potential to influence a significant planning commission decision in direct conflict with county land use policy.

**Recommendation 1:**

“The planning commission should require relevant source documents accompany reports from the planning and building department.”

**Response:** The board of supervisors adopted a planning department response that this recommendation is already part of department procedures and practice.

**Recommendation 2:**

“The planning commission should direct planning and building department staff to indicate to the planning commission if any source documentations were altered in preparing reports and provide reasons for such alterations.”

**Response:** Again, county supervisors adopted the planning department responded that this recommendation is already part of department procedures and practice.

**Recommendation 3:**

“Training procedures for staff charged with report development should be reviewed and changed so as to prevent the omission or misrepresentation of significant documentary evidence.”

**Response:** Again, the supervisors adopted the planning department response that this recommendation is already part of department procedures and practice.

## **THE PLANNING PROCESS**

The Grand Jury investigated complaints about review, scheduling and hearing processes or procedures used by the San Luis Obispo County Department of Planning and Building and the Planning Commission. As a result of that investigation, the Grand Jury made four recommendations. The planning department declined to implement all four.

**Recommendation 1:**

“The planning department and its environmental division should institute procedures and training to assure that its environmental resource specialist consider the issue of cumulative environmental effects and advise applicants of this issue at the earliest appropriate time when reviewing applications for projects that may have significant environmental impacts.”

**Response:** The department responded that training and processes are already in place to cover this issue and as a result, “it is not warranted to implement the recommendation of the Grand Jury.”

### **Recommendation 2:**

“The planning department and its environmental planning division should institute procedures to assure that public hearings on applications involving possible environmental impacts are scheduled not less than 30 days before the end of any applicable public comment period or period for filing requests for review.”

**Response:** The department responded that appropriate processes were already in place to cover such an issue and the recommendation is not warranted.

### **Recommendation 3:**

“The Planning Commission Rules of Procedure should be revised to establish a deadline for the filing of written comments on applications that is not less than three days before the scheduled public hearing and to provide that any written comments filed after the deadline will not be considered by the planning commission and will not be part of the record of the public hearing.”

**Response:** The county responded that the amount of material often submitted and state rules regarding the consideration of material that is submitted make this recommendation not warranted.

### **Recommendation 4:**

“The Planning Commission Rules of Procedure should be revised to specifically provide that public comment will not be allowed on revised findings that have been presented to and are being considered by the planning commission after the public hearing on the application has been closed and the planning commission has made a tentative decision on the project.”

**Response:** The county responded that the recommendation would not be implemented. Its response explained that the commission’s rules of procedure “currently allow the planning commission the discretion to allow public comment after the public hearing on the application has been closed and the planning commission has made a tentative decision on the project. Allowing the planning commission to hear additional public

testimony when they deem necessary ensures public participation and helps to ensure informed decisions. This should continue to be at the planning commission's discretion and should be based on a case by case review at the time of the public hearing."

## **TO FLY OR NOT TO FLY**

As the result of a citizen complaint, the 2008-09 Grand Jury reviewed the process by which Emergency Medical Services aircraft (helicopters) are dispatched in the county. The report cited the criteria by which aircraft are dispatched to the expedited launch zones. Four recommendations were listed in the report targeting deficiencies in the current medical criteria and expedited launch procedures. The San Luis Obispo Emergency Medical Service Agency Inc. (EMSA) was required to respond to recommendations one, two and three. The San Luis Obispo County Sheriff's Department was required to respond to recommendation four.

### **Recommendation 1:**

"Review and update medical criteria for expedited launch zones."

**Response:** The EMSA agreed and said it would review the medical criteria and will update the policy as needed.

### **Recommendation 2:**

"Redefine launch zone locations in detail so they can be understood."

**Response:** The EMSA agreed and said it would review the expedited launch zone language and update the policy as needed.

### **Recommendation 3:**

"Produce an official, accurate and detailed map of expedited launch zones."

**Response:** The EMSA will review this recommendation through its operations committee. The San Luis Obispo County Medical Communications Center, which dispatches EMS aircraft, does not use a map when performing this function.

**Recommendation 4:**

“Provide oversight of Policy 119 that assures provisions on expedited launch zones are followed.”

**Response:** The San Luis Obispo County Sheriff’s Department would not implement this recommendation. The sheriff’s department stated that the EMSA and the county health agency are responsible for oversight of this policy.

**REQUIRED RESPONSES**

No responses to this report are required.